



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAR 22 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED # 7003 0500 0003 0874 8940

Continental Apartments
Attention: Ms. Valarie Russell
1490 W. McNeil Street, Apt. 117
Stephenville, TX 76401-4155

Re: Complaint and Expedited Settlement Agreement for Violations of the Lead-Based Paint
Real Estate Notification and Disclosure Rule
Docket No. TSCA-06-2005-6006

Dear Ms. Russell:

Enclosed herein is a Complaint and Expedited Settlement Agreement (CESA) for violations of the Lead-Based Paint Real Estate Notification and Disclosure Rule (Disclosure Rule). The U.S. Environmental Protection Agency (EPA) alleges Continental Apartments (Respondent) has failed to comply with the Disclosure Rule regulations codified at 40 C.F.R. Part 745, Subpart F, as detailed in the enclosed Findings, Violations, and Penalty Determination (Determination).

EPA encourages an expeditious settlement of easily correctable violations such as the violations cited in the enclosed CESA, which complies with 40 C.F.R. Part 22, Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits: Final Rule.

You may resolve the cited violations by mailing (as set forth below) a cashier's check or certified check for the penalty, and signing and returning the **original** CESA (the enclosed three page document) within 30 days of your receipt of this letter. The EPA, at its discretion, may grant one 30-day extension for cause upon request. Please be advised that the CESA contains a discounted, non-negotiable penalty amount which is lower than the amount which would be derived from EPA's Section 1018 - Disclosure Rule Enforcement Response Policy (Policy), which may be found at <http://www.epa.gov/compliance/resources/policies/civil/tsc/lead.pdf>. Please see the Gravity-Based Penalty Matrix on page B-4 of the Policy for nondiscounted penalty amounts.

The CESA, when executed by both parties, is binding on EPA and Respondent. Upon receipt of the signed document, EPA will take no further action against Respondent for the violations cited in the CESA. EPA will neither accept nor approve the CESA if returned more than 30 days after the date of your receipt of this letter, unless an extension has been granted by EPA.

If Respondent does not pay the penalty and return the signed original CESA within 30 days of receipt, the CESA will be automatically withdrawn, without prejudice to EPA's ability to file another enforcement action seeking penalties of up to \$11,000 per day for each violation.

Respondent is required in the CESA to certify that it has corrected the violations and paid the penalty. The payment for the penalty amount must be in the form of a cashier's check or certified check payable to the "Treasurer, United States of America" with the Docket Number of the CESA on the check. The Docket Number is TSCA-06-2005-6006.

Payment of the penalty amount shall be sent to:

U.S. EPA Region 6
P.O. Box 371099M
Pittsburgh, PA 15251-7099

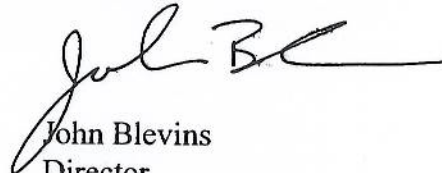
The signed original CESA with a copy of the check shall be sent to:

TSCA Lead-Based Paint Enforcement Coordinator
Compliance Assurance and Enforcement Division (6EN-AT)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

After the Regional Administrator signs the original CESA and it is filed with the Regional Hearing Clerk, you will receive a file-stamped copy.

By terms of the CESA, and upon EPA's receipt of the signed original CESA, Respondent waives its opportunity for a hearing pursuant to Section 16 of the Toxic Substances Control Act. While terms of the CESA are non-negotiable, should you have any other questions regarding this CESA process, please contact Janet Adams of my staff at 214-665-3157 or by e-mail at adams.janet@epa.gov.

Sincerely yours,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure



H. Clark

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FILED

05 MAR 31 AM 8:52

COMPLAINT AND EXPEDITED SETTLEMENT AGREEMENT HEARING CLERK
EPA REGION VI

DOCKET NO: TSCA-06-2005-6006

This complaint is issued to: Continental Apartments

At: 1490 W. McNeil Street, Apt. 117, Stephenville, TX 76401-4155

for violating Section 409 of the Toxic Substances Control Act (TSCA).

This Complaint is issued by the Director, Compliance Assurance and Enforcement Division, U.S. Environmental Protection Agency (EPA), Region 6, under the authority vested in the Administrator of EPA by Section 16(a)(2)(A) of the Toxic Substances Control Act, as amended, (TSCA), 15 U.S.C. § 2615. This section authorizes EPA to bring an action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for civil administrative penalties against any person who has violated, or is in violation of, a requirement or prohibition of TSCA.

ALLEGED VIOLATIONS

On August 10, 2004, an authorized representative of EPA conducted an inspection of Continental Apartments (Respondent) to determine compliance with the Lead-Based Paint Real Estate Notification and Disclosure Rule (Disclosure Rule), promulgated at 40 C.F.R. Part 745, Subpart F. Respondent has violated the Disclosure Rule as noted in the attached Findings, Violations, and Penalty Determination (Determination), which is hereby incorporated by reference.

SETTLEMENT OFFER

Upon consideration of the nature, circumstances, extent, and gravity of the violations, and with respect to Respondent's ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require, and upon consideration of the entire record herein, EPA offers this Complaint and Expedited Settlement Agreement (CESA) under its expedited enforcement procedures in order to settle the violations, based upon the findings, noted in the attached Determination for the total penalty amount of \$550.00.

If Respondent does not sign and return this original CESA, as presented, within 30 days of the date of its receipt, the CESA is withdrawn without prejudice to EPA's ability to file another enforcement action for the violations identified in the Determination.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits that EPA has jurisdiction over the subject matter alleged in the Complaint, neither admits nor denies the specific factual allegations contained in the Complaint, and consents to the assessment of the penalty as stated above. Respondent waives its right to appeal this CESA. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached Determination and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$550.00 in payment of the full penalty amount to the following address:

U.S. EPA Region 6
P.O. Box 371099M
Pittsburgh, PA 15251-7099

The DOCKET NUMBER OF THIS CESA must be included on the check. (The DOCKET NUMBER is TSCA-06-2005-6006).

This original CESA and a copy of the check must be sent to:

TSCA Lead-Based Paint Enforcement Coordinator
Compliance Assurance and Enforcement Division (6EN-AT)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Upon Respondent's submission of the signed original CESA, EPA will take no further action against Respondent for the alleged violations of the Disclosure Rule referenced in the Determination. EPA does not waive any other enforcement action for any other violations of TSCA or any other statute.

If the signed original CESA with an attached copy of the check is not returned to the EPA Region 6 Dallas office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of it, the CESA is withdrawn, without prejudice to EPA's ability to file another enforcement action for the violations identified in the Determination.

This CESA is binding on EPA and Respondent signing below.

This CESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Valarie Russell Date: 3/25/05

Name (print): Valarie Russell

Title (print): General Manager

Continental Apartments

FOR COMPLAINANT:

John Blevins Date: 3/22/05

John Blevins

Director

Compliance Assurance and Enforcement Division (6EN)

U.S. EPA Region 6

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and Expedited Settlement Agreement.

Richard E. Greene Date: 3/30/05

Richard E. Greene

Regional Administrator (6RA)

U.S. EPA Region 6

U.S. EPA Region 6
Findings, Violations, and Penalty Determination
Real Estate Notification and Disclosure Rule for Lead-Based Paint

For: Continental Apartments
1490 W. McNeil Street, Apt. 117
Stephenville, TX 76401-4155
Docket No. TSCA-06-2005-6006

Date of EPA Inspection: August 10, 2004

Findings:

Continental Apartments has violated the Real Estate Notification and Disclosure Rule, 40 C.F.R. Part 745, Subpart F, in the following contracts for the lease of target housing:

Lease No. 1: Landmark #101 Continental Apartments 1490 W. McNeil Street, Apt. 117 Stephenville, TX 76401 August 15, 2001	Lease No. 4: Sands #212 Continental Apartments 1490 W. McNeil Street, Apt. 117 Stephenville, TX 76401 August 1, 2002
Lease No. 2: Chateau #103 Continental Apartments 1490 W. McNeil Street, Apt. 117 Stephenville, TX 76401 August 20, 2001	Lease No. 5: Sands #117 Continental Apartments 1490 W. McNeil Street, Apt. 117 Stephenville, TX 76401 January 1, 2003
Lease No. 3: Madrid #105 Continental Apartments 1490 W. McNeil Street, Apt. 117 Stephenville, TX 76401 January 1, 2002	Lease No. 6: Courtyard #104 Continental Apartments 1490 W. McNeil Street, Apt. 117 Stephenville, TX 76401 May 23, 2003

Violations:

Penalty:

Failure to affirm receipt of lead hazard information pamphlet [40 C.F.R. § 745.113(b)(4)]: In Contract Nos. 1, 2, 3, 4, 5, and 6	\$528.00
Failure of lessors, agents, and lessees to certify to the accuracy of their statements with dates of signature [40 C.F.R. § 745.113(b)(6)]: In Contract No. 2	\$ 22.00
Total Penalty:	\$550.00

NOTICE TO CUSTOMERS

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST MISPLACED OR STOLEN.



Town and Country Bank
Stephenville, Texas 76401

No. 146598

REMITTER Continental Properties

March 25, 05
20

PAY TO THE ORDER OF **Treasurer, United States of America** \$ **550.00**

550.00

DOLLARS

CASHIER'S CHECK

RETAIN BLUE COPY FOR YOUR RECORD

Docket Number
TSCA-06-2005-606

SIGNATURE Tracy King

⑈146598⑈ ⑆111907555⑆ ⑈09 9996 1⑈



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 13 2005

CERTIFIED MAIL RETURN RECEIPT REQUESTED # 7003 0500 0003 0874 9091

Continental Apartments
Attention: Ms. Valarie Russell
1490 W. McNeil Street, Apt. 117
Stephenville, TX 76401-4155

Re: Complaint and Expedited Settlement Agreement for Violations of the Lead-Based Paint
Real Estate Notification and Disclosure Rule
Docket No. TSCA-06-2005-6006

Dear Ms. Russell:

Enclosed is your copy of the fully-executed, file-stamped Complaint and Expedited Settlement Agreement (CESA) in the above-referenced case. The original CESA was filed with the Regional Hearing Clerk on March 31, 2005.

We are in receipt of your payment of the penalty amount. Therefore, this case is considered to be closed.

Thank you for your attention to this matter and for your commitment to compliance with the Lead-Based Paint Real Estate Notification and Disclosure Rule.

Sincerely,

A handwritten signature in cursive script that reads "Janet Adams".

Janet Adams
Enforcement Specialist

Enclosure

To: Hearing Clerk, Region 6

Date: July 20, 2005

Certified mail receipt for:

TSCA-06-2005-6006

Please contact me if any question.

Janet Adams

Janet Adams

6EN-AT

5-3157

FILED

05 JUL 20 AM 9:57

REGIONAL HEARING CLERK
EPA REGION VI

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits. <i>SB 8-10-04</i>		<p>A. Signature <i>X Mary Martin</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Mary Martin</i> C. Date of Delivery <i>7-15-05</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to: Continental Apartments Attention: Ms. Valarie Russell 1490 W. McNeil St., Apt. 117 Stephenville, TX 76401-4155		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) <i>TSCA-06-2005-6006 CE4 2</i>		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, August 2001		7003 0500 0003 0874 9091 Domestic Return Receipt 102595-01-M-2509	

TS 272/47